

REMARKS

Claims 1-12 and 14-21 are in the application. Applicants hereby elect to prosecute claims 11-21 at this time. By this office action, claim 13 is cancelled.

Claims 12-21 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Carroll et al. (2002/0017805). The Examiner states that Carroll et al. discloses an energy absorbing assembly including an upper layer having contours which may be combined with a lower layer having contours so that a cavity is formed between the two layers. The Examiner also asserts that Carroll et al. discloses that Carroll's material meets head inquiry criteria, citing paragraph 68 of Carroll et al. With respect to claim 16, the Examiner asserts that Carroll et al. teaches other components that may be included in a composite including delta structures, acoustic dampeners, and pellets or beads. With respect to claims 17-20, the Examiner asserts that Carroll's recesses are circular in nature (Figure 11) and that Carroll et al. teaches other shapes may be used (Carroll et al. paragraph 43). With respect to claim 21, the Examiner states that Carroll et al. uses a thermoplastic sheet, (Carroll et al. paragraph 51). Applicants respectfully traverse the rejection of claims 12-21 based upon Carroll et al. and request that each of claims 12 and 14-21 be passed to issue over the Examiner's rejection.

As forth in Applicants' claims, a headliner for a vehicle includes at least one top layer including a plurality of surface contours, and at least one bottom including a plurality of surface contours, with the top and bottom layers being substantially joined together to form an integral headliner including at least one area between the top and bottom layers, defining a cavity. The top layer is independent from the bottom layer prior to being joined to the bottom layer. As shown in the various figures, bottom layer 24 is smooth and presents a finished appearance.

To reiterate, Applicants are claiming a headliner. Carroll et al., on the other hand does not disclose a headliner. Applicants defy the Examiner to show any vehicle which has a

headliner with the appearance of Carroll's device. Rather, Carroll et al. is devoted not to a headliner, but to a structure which could be buried, for example, within the core of a headliner. Accordingly, at paragraph 33 Carroll et al. avers that "the invention embraces a sheet of material with recesses formed in it". Although it is true that Carroll et al. discloses a energy absorbing assembly, this alone does not mean that Carroll et al. discloses a headliner for a vehicle. A headliner, as noted in Applicants' specification at paragraph 3, includes a device mounted inside the passenger compartment of a vehicle for providing an aesthetic covering for the roof's sheet metal and/or frame work upon which the headliner is to be mounted. Carroll et al. shows something that could be used within a headliner but does not disclose a headliner, nor does Carroll et al. disclose any completed structure for a headliner.

To say that Carroll's structure is a "headliner" is akin to asserting that a wheel spider having a particular construction reads on a completed wheel. The use of Carroll et al. as a reference in this case is simply inapposite and, as a result, each of claims 12 and 14-21 should be passed to issue over the Examiner's rejection.

Claims 12-21 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Wandyez (U.S. 6,086,145). The Examiner states that Wandyez discloses a headliner with cavities formed between the upper substrate and lower substrate. Applicants respectfully traverse this rejection and request that claims 12 and 14-21 be reconsidered in view of these remarks and passed to issue over the Examiner's rejection.

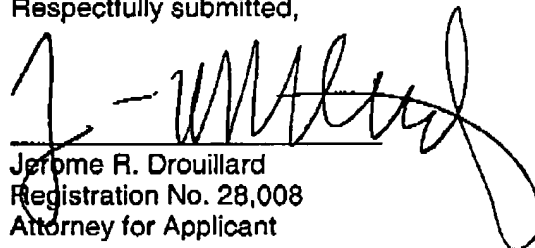
As set forth in Applicants' claims, Applicants' headliner includes top and bottom layers which are independent prior to being joined together. In contrast, Wandyez teaches a headliner having cavities which are formed by blow molding a plastic parison. In other words, there is no upper layer and separate lower layer nor with Wandyez, because Wandyez's passages are formed by blow molding a plastic parison in a manner not unlike that used to form a plastic bottle. As a result, Wandyez cannot form a colorable basis for rejection of Applicants' claims pursuant to 35 U.S.C. § 102(b).

Claim 11 stands rejected under 35 U.S.C. § 102 as being anticipated by, or under 35 U.S.C. § 103 as obvious over, Carroll et al. Applicants respectfully traverse this rejection and request that claim 11 be reconsidered in view of these remarks and passed to issue over the Examiner's rejection.

Claim 11 recites a headliner made according to the method of claim 1, including top and bottom layers with a plurality of surface contours and with the top and bottom layers substantially joined together and including at least one area between defining at least one cavity. As noted above, Carroll et al. does not disclose or teach a headliner for a vehicle. As a result, Carroll et al. cannot comprise a colorable basis for the rejection of Applicants' claim 11. Moreover, Carroll et al. does not teach a structure which is vacuum formed and has top and bottom layers joined together to form an integral headliner. As a result, claim 11 should be passed to issue over the Examiner's rejection. Such action is earnestly solicited.

Claim 11 stands rejected further under 35 U.S.C. § 102(b) as being anticipated, or as an alternative, as being obvious under 35 U.S.C. § 103(a), over Wandyez. As noted above, Wandyez does not disclose a headliner having top and bottom layers. More precisely, Wandyez discloses a blow molded parison forming headliner wiring channels. Wandyez neither teaches nor suggests Applicants' claimed invention, because Wandyez does not teach upper and lower layers which are separate and then bonded together. As a result, claim 11 is patentable over Wandyez, too, and should be passed to issue over the Examiner's rejection.

Respectfully submitted,


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